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Shaylor E. Dunn

Commissioner for Patents
P.O. Box 1450
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Re: U.S. Patent Application Serial No. 09/649,461 for METHODS AND SYSTEMS FOR GENERATING AND SENDING MESSAGES IN A MOBILE COMMUNICATIONS NETWORK IN RESPONSE TO A CHANGE IN LOCATION OF A SUBSCRIBER
Our Ref. No. 1322/51

Sir:

Please find enclosed the following:

1. Reply Brief under 37 C.F.R. § 41.41 (15 pages);
2. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark Office date stamp thereon; and
3. A Certificate of Express Mail No.: EV611692153US.

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

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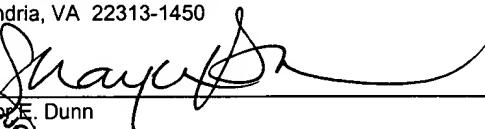
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Shaylene E. Dunn


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : Allison et al.)
Appln. No. : 09/649,461) Group Art Unit: 2681
Filed : August 25, 2000) Examiner: Sujatha R. Sharma
For: : METHODS AND SYSTEMS FOR GENERATING AND SENDING
MESSAGES IN A MOBILE COMMUNICATIONS NETWORK IN
RESPONSE TO A CHANGE IN LOCATION OF A SUBSCRIBER

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants submit the following remarks in response to the Examiner's Answer dated April 19, 2005.

I. Response to Examiner's Statement Regarding Grouping of Claims

In section 7 of the Examiner's Answer, entitled "Grouping of Claims", it was indicated that:

The rejections of claims 1-36, 39-49, and 53-69 stand or fall together because of Appellant's Brief does not include a statement that this grouping of claims does not stand or fall together in reasons and support thereof. See 37 C.F.R. § 1.192(c)(7).

Appellants respectfully disagree. 37 C.F.R. § 1.192 has been deleted. Appellants respectfully submit that 37 C.F.R. § 41.37(c)(7) determines the content of the Appeal Brief. According to this section, claims that the Appellant desires for the Board to consider separately must simply be argued separately. Since 37 C.F.R. § 1.192 has been deleted, and 37 C.F.R. § 41.37 does not require grouping of claims or a statement that the claims do not stand or fall together has been deleted, Appellants respectfully request that the claims argued separately in Section VII of the Appeal Brief be considered separately by the Board.

II. Response to Examiner's Statement of Grounds for Rejection

The grounds for rejection in section 10 of the Examiner's Answer and the reasoning for rejecting the claims are identical to the grounds and the reasoning in the Official Action dated March 30, 2004. No new grounds of rejection have been presented. Accordingly, Appellants respectfully submit that the Appeal should be maintained and the claims are patentable over the references cited in the Official Action for the reasons stated in the Appeal Brief.

III. Response to Examiner's Arguments

A. Response to Examiner's Arguments with Regard to Rejection of claims 1, 2-4, 7, 8, 12-17, 20, 21, 25-27, 32, 34-36, 39, 40, 45-49 and 55-69 under 35 U.S.C. § 102(b) as anticipated by Sladek.

i. Response to Examiner's Arguments for Independent Claim 1

On page 10 and 11 of the Examiner's Answer, the Examiner argues that Sladek discloses the screening, correlating, sending a change in location indication to an SMSC, generating and sending an SMS message automatically to a subscriber in response to a change in location of the subscriber. In particular, the Examiner states, "Therefore the network element MSC in the serving system screens and correlates signaling messages transmitted between HLR and VLR." (Examiner's Answer, p. 11, lines 7-8). The Examiner cites column 14, lines 28-30 and Column 15, lines 6-50 of Sladek in support of this contention. Column 14, lines 28-30 of Sladek merely state that VLR **142** is usually part of MSC **118**, but the two can instead be separate entities. Column 15, lines 6-50 of Sladek disclose the registration notification (REGNOT), location request (LOCREQ), qualification request (QUALREC), and qualification directive (QUALDIR) procedures that are performed when a subscriber registers with a serving system and the subscriber's location is communicated to a HLR. Rather than using a network element that is separately recited in the claim from the HLR and the VLR for screening messages transmitted between the HLR and the VLR, Sladek discloses that serving system **138** originates the LOCREQ, REGNOT, QUALREC, and QUALDIR messages. There is no mention in Sladek that the MSC or the VLR of the serving system performs any message correlation or screening. Moreover, Sladek does not disclose a separately recited network element that correlates or screens messages transmitted between the HLR and the VLR. Thus, for this reason alone, the rejection of claim 1 should be reversed.

On page 11 of the Examiner's Answer, the Examiner indicates that column 16, lines 26-29 of Sladek mention "a method for sending and receiving messages." Sladek also teaches the use of an MSC. Therefore, the Examiner concludes that "MSC is read as SMSC." This line of reasoning is simply incorrect. Column 16, lines 26-29 of Sladek state as follows:

"SMS_OriginationRestrictions" and "SMS_TerminationRestrictions", which define the type of short text messages that the subscriber is allowed to send or receive.

This portion of Sladek relates to a restriction on SMS messages that is stored in the subscriber's HLR. As is known to those of skill in the art, the term "MSC" stands for mobile switching center. A mobile switching center is an bearer channel switching office in a wireless communications network. In contrast, an SMSC or short message service center as recited in step (e) of claim 1 is a store and forward network element that stores text messages and forwards the text messages to MSCs for delivery. MSCs and SMSCs are different network elements with different functions. Nothing in Sladek teaches otherwise. Accordingly, for this additional reason, the rejection of claim 1 as anticipated by Sladek should be reversed.

On page 11 of the Examiner's Answer, the Examiner again argues that column 16, lines 26-29 of Sladek disclose a method of generating and sending SMS messages to a subscriber. Appellants respectfully disagree. As stated above, the quoted passage from Sladek relates to a restriction on SMS messages stored in the subscriber's HLR. The Examiner further argues that column 15, lines 6-40 of Sladek discloses automatically sending an SMS message to the subscriber once the subscriber's location is known. Again, the Examiner's argument improperly equates the terms MSC and

SMSC. An MSC is a mobile switching center or wireless switching office. An SMSC is a short message service center that delivers short text messages to handsets. There is no mention of an SMSC or any SMS messages in column 15, lines 6-40 of Sladek. The only messages mentioned are those that are related to notifying the subscriber's HLR of the subscriber's location and notifying the serving system of the subscriber's profile. Accordingly, for this additional reason, the rejection of claim 1 as anticipated by Sladek should be reversed.

ii. Response to Examiner's Arguments for Dependent Claims 2, 4-7, 8, 12, 13, 60, and 64

On page 12 of the Examiner's Answer, the Examiner reiterates the argument from page 11 of the Examiner's Answer indicating that the MSC and the serving system of Sladek performs the method steps of claim 1. For the reasons stated above in response to the Examiner's arguments for claim 1, it is respectfully submitted that the rejection of dependent claims 2, 4-7, 8, 12, 13, 60, and 64 should be reversed.

In addition, in the Appeal Brief, the patentability of claims 60 and 64 was argued separately from that of claim 1 from which these claims depend. In particular, it was separately argued that claim 60 recites that the telecommunications network element comprises a signal transfer point. The Examiner's Answer fails to address this argument. As stated in the Appeal Brief, the only function performed by the signal transfer point of Sladek is routing signaling messages (See column 14, lines 2-5 of Sladek.) Thus, even assuming for the sake of argument that the MSC of Sladek performs the functions recited by the Examiner in the Examiner's Answer, there is no teaching or suggestion in Sladek of performing any such functions at a signal transfer

point. Accordingly, for this additional reason, the rejection of claim 60 as anticipated by Sladek should be reversed.

With regard to claim 64, claim 64 recites correlating a MAP update location request, a MAP update location response, and a MAP insert subscriber data message. As stated in the Appeal Brief, the Examiner's rejection of this claim relies on the portion of Sladek that discusses the REGNOT and LOCREQ messages. The REGNOT and LOCREQ messages transmitted between the serving system and HLR of Sladek cannot anticipate claim 64 because the REGNOT and LOCREQ messages are different messages from those recited in claim 64 and because Sladek fails to disclose any message correlation. As stated above, Sladek fails to teach message correlation, not to mention correlating these specific messages, as claimed. Accordingly, for the same reasons stated in the Appeal Brief, the rejection of claim 64 as anticipated by Sladek should be reversed.

iii. Response to Examiner's Arguments for Independent Claim 14

In the Examiner's Answer, the Examiner indicates that the response to arguments for claim 1 apply to claim 14. Appellants respectfully note that claims 1 and claim 14 were argued separately in the Appeal Brief. Accordingly, the Examiner's Answer fails to address Appellants' arguments with regard to the claim 14 in the Appeal Brief that are different from those made with respect to claim 1.

In particular, Appellants note that claim 14 contains an element that is not present in claim 1 and that has not been addressed by the Examiner in any of the Official Actions or in the Examiner's Answer. For example, as stated on page 32 of the

Appeal Brief, claim 14 recites combining parameters extracted from correlated mobile call signaling messages to generate an SMS message. In the Official Action dated March 30, 2004, the Examiner fails to indicate any portion of Sladek that discloses combining parameters extracted from mobile call signaling messages. Accordingly, for this reason alone, the rejection of claim 14 as anticipated by Sladek should be reversed. In addition as stated above with regard to claim 1, Sladek fails to disclose any message correlation, not to mention using correlated parameters to generate an SMS message. Accordingly, for this additional reason, the rejection of claim 14 as anticipated by Sladek should be reversed.

iv. Response to Examiner's Arguments for Dependent Claims 15-25, 61, and 65

On page 13 of the Examiner's Answer, the Examiner indicates that the features of these claims are similar to claims 2, 4-7, 12, 13, 60, and 64 and indicates that the arguments for claims 2, 4-7, 8, 12, 60, and 64 apply to these claims as well. Appellants reiterate the arguments made in the Appeal Brief and the response above with regard to claim 1. In addition, Appellants respectfully note that claim 61, which recites that the telecommunications network is a signal transfer point, and claim 65, which recites the specific MAP signaling messages that are correlated, are separately patentable for the reasons stated in the Appeal Brief.

v. Response to Examiner's Arguments for Independent Claim 26

On page 13 of the Examiner's Answer, the Examiner indicated that independent claim 26 is similar to independent claim 1 and reiterated the arguments in the Examiner's Answer for independent claim 1.

Appellants respectfully reiterate the arguments made with regard to patentability of claim 26 in the Appeal Brief and the arguments stated above with regard to claim 1. In addition, Appellants note that claim 26 recites generating mobile call location update records based on the correlated mobile call signaling messages, which is not recited in independent claim 1. The Examiner's Answer fails to address how Sladek teaches generating mobile call location update records based on correlated signaling messages transmitted between an HLR and a VLR. The Examiner's arguments with regard to claim 1 merely refer to portions of Sladek that discuss standard mobile registration and location management procedures performed between a serving system and an HLR. There is absolutely no teaching or suggestion in Sladek of generating mobile call location update records based on correlated mobile call signaling messages as claimed. Accordingly, it is respectfully submitted that the rejection of independent claim 26 should be reversed.

vi. Response to Examiner's Arguments for Dependent Claims 27, 32, 62, and 66

On page 13, the Examiner's Answer indicates that the features of these claims are similar to claims 2, 4-7, 8, 12, 13, 60, and 64. Appellants respectfully reiterate the arguments made herein and in the Appeal Brief for these claims. In addition, the Examiner's Answer fails to consider Appellants' separate arguments made with regard

to claim 62 and 66. Claim 62 recites that the telecommunications network element is an STP. As stated above, the only function performed by the STP of Sladek is routing. The Examiner's Answer fails to address how the STP of Sladek would perform the functions recited in claim 62.

With regard to claim 66, this claim recites specific messages that are correlated, including a MAP location request message, a MAP insert subscriber data message, and a MAP update location response message. Sladek does not disclose correlating any messages, not to mention correlating the specific messages recited in claim 66. Accordingly, it is respectfully submitted that the rejection of claim 66 should be reversed for this additional reason.

vii. Response to Examiner's Arguments for Independent Claim 34

On page 13 of the Examiner's Answer, the Examiner indicated that the features of independent claim 34 are similar to independent claim 1, and hence that the arguments for claim 1 apply. Appellants respectfully reiterate their response to the Examiner's arguments with regard to claim 1 made above. In addition, Appellants note that independent claim 34 recites a telecommunications network element, a message processing platform, and a short message service center. The only elements discussed in the portion of Sladek relied upon by the Examiner are the MSC/VLR of the serving system and the subscriber's home HLR. There is no mention of a telecommunications network element that receives and screens mobile call signaling messages, a message processing platform that correlates mobile call signaling messages, or a short message service center that automatically sends a message to a subscriber in response to a

change in location of a subscriber. As stated above with regard to the Examiner's arguments for claim 1. The MSC of Sladek is not an SMSC, the MSC does not perform message correlation, and the MSC does not perform message screening. Accordingly, for these reasons, it is respectfully submitted that the rejection of independent claim 34 as anticipated by Sladek should be reversed.

viii. Response to Examiner's Arguments for Dependent Claims 35, 36, 39, 44, and 67

On page 14 of the Examiner's Answer, the Examiner indicates that the features of these claims are similar to claims 2, 4-7, 8, 12, 13, 60, and 64. The Examiner further indicates that the arguments in the Examiner's Answer with regard to claim 1 apply to these claims as well. Appellants respectfully reiterate their arguments made above with regard to independent claim 1. In addition, Appellants note that claim 67 was argued separately from claim 1 in the Appeal Brief. The Examiner's Answer fails to indicate how Sladek discloses correlating the specific sequences of messages as recited by claim 67. Accordingly, the rejection of this claim as anticipated by Sladek should be reversed.

ix. Response to Examiner's Arguments for Independent Claim 45

On page 14, the Examiner's Answer indicates that the features of independent claim 45 are similar to claim 1 and that the Examiner's arguments for claim 1 apply equally to claim 45. Appellants respectfully reiterate the arguments made above with regard to claim 1 and the arguments made in the Appeal Brief. Accordingly, for these

reasons, it is respectfully submitted that the rejection of independent claim 45 should be reversed.

x. Response to Examiner's Arguments for Dependent Claims 46-49, 55, 56, and 68

On page 14 of the Examiner's Answer, the Examiner indicated that these claims contain features similar to claims 2, 4-7, 8, 12, 13, and 64 and reiterated the arguments for dependent claims 2, 4-7, 8, 12, 13, 60, and 64. In response, Appellants respectfully reiterate the arguments made above with regard to claim 1 and with regard to these claims in the Appeal Brief. In addition, the Examiner's Answer fails to address Appellant's separate arguments made with regard to claim 68. Thus, for these reasons, it is respectfully requested that the rejection of these claims should be reversed.

xi. Response to Examiner's Arguments for Independent Claim 57

On page 14, the Examiner's Answer indicates that the features of independent claim 57 are similar to independent claim 1. Hence, the Examiner reiterates the arguments made in the Examiner's Answer with regard to claim 1. Appellants respectfully reiterate the arguments made herein with regard to claim 1 and the arguments made in the Appeal Brief with regard to independent claim 57. Accordingly, for these reasons, it is respectfully submitted that the rejection of claim 57 as anticipated by Sladek should be reversed.

xii. Response to Examiner's Arguments for Dependent Claims 58, 59, 63, and 69

On page 14, the Examiner's Answer indicates that the features of these claims are similar to independent claim 1 and reiterates the arguments made in the Examiner's Answer with regard to independent claim 1. Appellants respectfully reiterate the arguments made above with regard to claim 1 and the arguments made in the Appeal Brief with regard to these claims. In addition, in the Appeal Brief, claim 63, which recites that the telecommunications network element that screens the mobile call signaling messages is signal transfer point, and claim 69, which recites the specific sequence of messages, have not been addressed in the Examiner's Answer. Accordingly, for these reasons, it is respectfully submitted that the rejection of these claims as anticipated by Sladek should be reversed.

B. Response to Examiner's Arguments with Regard to Rejection of Claims 5, 6, 9, 11, 18, 22, 24, 41-44, 53, and 54 under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Baker

On page 15 of the Examiner's Answer, it was indicated that these claims depend from claims 1, 14, and 45, and that the Examiner's arguments with regard to claims 1, 14, and 45 apply to these claims as well.

Appellants respectfully reiterate the arguments made herein with regard to claims 1, 14, and 45 above and the arguments made in the Appeal Brief. In addition, Appellants note that the Examiner's Answer fails to address any of Appellants' arguments with regard to Baker or the combination of Sladek and Baker. For example, as stated in the Appeal Brief, Sladek fails to teach automatically generating or sending

an SMS message in response to change in location of a subscriber. Baker requires that a subscriber dial a predefined, advertised number in order to receive messages from WSN 301. Requiring the subscriber to dial a number to receive an SMS message is the opposite of automatic SMS message generation as claimed. There is no mention in either reference of message screening or automatic SMS generation as claimed. Thus, for these reasons, it is respectfully submitted that the rejection of these claims as unpatentable over Sladek in view of Baker should be reversed.

C. Response to Examiner's Arguments with Regard to Rejection of Claims 10, 23, and 28-31 under 35 U.S.C. § 103 as unpatentable over Sladek in view of Jung

On page 15 of the Examiner's Answer, it is indicated that these claims depend from claims 1, 14, and 26, and hence the arguments in the Examiner's Answer with regard to claims 1, 14, and 26 apply. Appellants respectfully reiterate the arguments made herein with regard to claim 1 and those made in the Appeal Brief with regard to claims 10, 23, and 28-31 as unpatentable over Sladek in view of Jung. In addition, Appellants note that the Examiner's Answer fails to address any of Appellants' arguments made with regard to Jung. In particular, the Appeal Brief states that Jung fails to disclose screening messages relating to change in location of subscribers, correlating such messages, or performing any actions at a telecommunications network element. In contrast, Jung teaches that all transactions received by protocol monitors 18 and 19 are recorded. In addition, protocol monitors 18 and 19 in computer 21 are independent of the mobile communications network. Thus, for these reasons, it is

respectfully submitted that the rejection of these claims as unpatentable over Sladek in view of Jung should be reversed.

D. Response to Examiner's Arguments with Regard to Rejection of Claim 33 under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Brown

On page 15 of the Examiner's Answer, it was indicated that this claim depends from claim 26 and that the arguments made in the Examiner's Answer with regard to claim 26 apply. Appellants respectfully reiterate their arguments made herein with regard to claim 1 and with regard to claim 26 in the Appeal Brief. In addition, Appellants respectfully note that the Examiner's Answer fails to address any of Appellants' arguments made with regard to Brown or the combination of Sladek and Brown. In particular, it is noted that Brown relates to collecting location update messages for generating a network topology map. There is no disclosure of generating any individual subscriber records. Rather, Brown teaches developing a collective topology map from the location update messages of all subscribers. Accordingly, for these reasons, it is respectfully submitted that the rejection of claim 33 as unpatentable over Sladek in view of Brown should be reversed.

IV. Conclusion

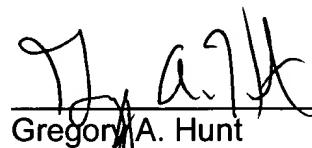
For the reasons stated above, it is respectfully submitted that the rejection of all of the pending claims should be reversed.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: June 20, 2005

By:



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